IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
CIVIL APPLICATION NO.3656 OF 2002
IN
FIRST APPEAL ST.NO.30814 OF 2002

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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CORAM: A.S.OKA, J.
DATED: JUNE 6, 2006.

P.C.:

1. Rule. This Application does not survive as against the Respondent No.1-b as the Appeal stands dismissed as against the said Respondent. The Advocate for Respondent No.1-a and 2 waives service. Taken up for hearing forthwith.

2. The challenge in this Appeal is to the Judgment and Award made under section 18 of the Land Acquisition Act, 1894. Considering the facts and circumstances of the case and considering the fact that the Appeal stands dismissed as against one of the original Claimants, it is necessary to permit the claimants to withdraw 50% of the amount without furnishing any security

and remaining 50% of the amount with security.

3. Hence, I pass the following order :

i) There will be interim relief in terms of prayer clause (a) subject to the condition of the Applicant depositing the entire amount due and payable as per the impugned Judgment and Award with the Reference Court within a period of twelve weeks from today. If the amount is not deposited within stipulated period, interim relief granted will stand vacated without further reference to the Court.

ii) If the amount is deposited, the claimants will be entitled to withdraw 50% of the same without furnishing security and remaining 50% of the amount on furnishing security to the satisfaction of the Reference Court.

iii) If 50% of the amount is not withdrawn by the original claimants on furnishing security within a period of six months

from the date of deposit of the amount in the Reference Court, the same shall be invested in fixed deposit initially for a period of three years and thereafter the fixed deposit shall be renewed from year to year till the final disposal of the Appeal.

iv) Rule is made absolute in above terms with no order as to costs.

Judge.